

State law offers hints on 'removal' issue

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There are several state statutes that deal with the removal of a community's police chief. One statute offers a clue in the debate whether non-renewal of a contract equates to a "removal."

Under Mass. General Law Chapter 41 Section 21A, a person appointed to the position of police chief cannot be removed without a hearing. The law states in pertinent part: "For the purposes of this section only, failure of reappointment shall be deemed to be a removal."

Duxbury has not adopted the provisions of this state law according to the Town Clerk's office, so this hearing requirement does not apply.

Does this mean that outside of this particular statute, failure to reappoint is not deemed the same as removal? When asked for his view Town Counsel Robert Troy said it was a "fair interpretation."

When the same question was posed to Selectmen Jon Witten, also an attorney, he said that Troy had already commented on the law and declined to add his own interpretation.